

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CAUSE NO.: 1:16-CR-19-TLS
)	
LATWON FORD)	

OPINION AND ORDER

This matter is before the Court on Defendant Latwon Ford’s nunc pro tunc Motion for Enlargement of Time for Defendant to File Notice of Appeal [ECF No. 98], filed on July 24, 2018. The Court entered judgment [ECF No. 93] against the Defendant on June 28, 2018. Pursuant to Federal Rule of Appellate Procedure 4(b) requires a Defendant to file any notice of appeal within fourteen days of the entry of judgment or order appealed. In this case, the deadline for the Defendant to file his appeal was July 12, 2018. The Defendant filed a pro se Notice of Appeal [ECF No. 94] on July 16, 2018, four days past the deadline, although the Defendant drafted his Notice on July 11, 2018. The Seventh Circuit issued an Order (*see* ECF No. 98-2) instructing the Defendant to file a brief explaining why his appeal should not be dismissed as untimely by July 31, 2018. The Seventh Circuit also advised the Defendant that if he wanted to request an extension of time in which to file his Notice of Appeal, he should petition this Court as soon as possible. As a result, the Defendant filed the instant Motion.

Rule 4(b)(4) provides that “[u]pon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).” The Defendant filed his request four days after expiration of his time to file a notice of appeal, which is within the thirty days in which the Court

is permitted to grant an extension of time in which to file a notice of appeal. Therefore, the Court must determine whether the Defendant has shown excusable neglect or good cause so as to justify the grant of this Motion.

The Court finds there is good cause to extend the Defendant's time for filing a Notice of Appeal. The Defendant was transported from Allen County Jail to MCC Chicago on July 11, 2018, and mailed his Notice that same day, which was within the fourteen days proscribed by Rule 4(b). Moreover, Counsel represents that based on his experience, there is a significant chance that the letter Counsel drafted on June 29, 2018, to the Defendant, advising the Defendant of the deadline for filing a Notice of Appeal, was delayed for up to three days by the Allen County Jail before being distributed to the Defendant. The Court does not find that there has been any dilatory tactics or needless delay on the part of the Defendant.

For the foregoing reasons, the Court GRANTS the Defendant's Motion for Enlargement of Time for Defendant to File Notice of Appeal [ECF No. 98] until July 16, 2018.

SO ORDERED on July 31, 2018.

s/ Theresa L. Springmann
CHIEF JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT